

**AMENDMENTS TO THE DRAWINGS:**

Please add the attached new sheet containing the new drawing labeled Fig. 5, which illustrates a second storage layer 506 and first storage layer 505.

### REMARKS

Claims 24 and 25 are added. Accordingly, claims 1-25 remain pending for consideration.

Claims 15 and 23 stand rejected based on the view that the specification and drawings do not support a second layer that "encloses" a first storage layer. Applicants respectfully disagree. The specification clearly provides support for a second layer that encloses a first layer, see e.g., ¶ 0023 and claims 15 and 23 which are originally filed claims and thus part of the specification. Applicants assume that the objection is based on 37 C.F.R. § 1.83, rather than a lack of support for the claimed feature.

Submitted herewith for the Examiners' approval is a new drawing sheet labeled Fig. 5, which provides an illustration pursuant to 37 C.F.R. § 1.83 for the subject matter recited in claims 15 and 23. The disclosure in Fig. 5 is fully supported by the disclosure at paragraph 23 of Applicants' original specification. Additionally, Applicants have entered amendments to the specification to reflect the addition of new Fig. 5. No new matter is introduced by these amendments. Applicants believe that the requirements under 37 C.F.R. § 1.83 are satisfied and earnestly solicit the removal of the objection to claims 15 and 23.

#### **Applicants' Absorbent Article Comprising An Absorbent Structure**

According to one embodiment of the invention, an absorbent article has a first storage layer 105 having apertures and recesses 107. See Fig. 2. The first storage layer 105 is arranged closest to a liquid permeable layer top sheet 101, a second layer 106 is arranged closest to a substantially liquid impermeable backsheet 102 and an acquisition layer 104 is arranged between the first storage layer 105 and the

second storage layer 106. See ¶ 35 and Fig. 2. The first storage layer 105 may include a super absorbent material, which is a polymer that is capable of absorbing fluid many times its own weight. See ¶ 30.

### **Art Rejections**

Claims 1-23 stand rejected over Gross. Gross discloses an absorbent article having an absorbent core 15 which includes a wicking layer 13, an acquisition layer 11 and a storage layer 12. A super absorbent material is present in the storage layer. See Gross at Fig. 1 and ¶¶ 80-85. The storage layer 12 is located between the wicking layer 13 and acquisition layer 11. *Id.* A liquid permeable layer 10 is above the acquisition part 11 and the wicking part 13 is below the acquisition part 11 and storage part 12. *Id.* The wicking part 13 is disclosed as having a density of 0.1-0.4 g/cc, 50-99% by weight of compressible wood fiber, a non-compacted part 24 and a compacted part forming stripes 22. See Gross at ¶¶ 70, 73 and Figs. 2-3.

The Official Action rejected claim 1 and 16 as anticipated by Gross and notes that "Gross teaches that the absorbent core 15 contains between 50-99% super absorbent by weight" and a "channeled wicking layer" with a density of "between 0.1 - 0.5 g/cc (¶¶ 0073, 0078). " As noted above, Applicants believe that Gross discloses a wicking layer 13 that contains 50-99% by weight of compressible wood fibers. See Gross at ¶ 70. There appears to be no disclosure of an absorbent core 15 that has 50-99% by weight of a superabsorbent material, nor any part of core 15 that has this percentage by weight of superabsorbent material. Moreover, Gross' storage layer has superabsorbent material, not the wicking layer. Indeed, the addition of superabsorbent material in Gross's wicking layer would run counter to

Gross's objective, which is to have fluid reside in the storage layer, not in the wicking layer. See, e.g., ¶¶ 9 and 69 of Gross.

Claims 1 and 16 describe a first storage layer that includes a superabsorbent material and in the crotch portion apertures or recesses. This feature of claims 1 and 16 is not disclosed in Gross as explained above. For at least this reason, Applicants respectfully request that the rejections of claims 1 and 16 under 35 U.S.C. § 102(e) be withdrawn and these claims allowed.

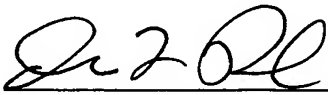
New claims 24 and 25 depend from allowable claims 1 and 16, respectively, and recite that the first storage layer is between the acquisition layer and liquid permeable upper layer. Additionally, claims 2-15 and 17-23 depend from allowable claims 1 and 16, respectively, and recite other features that further distinguish over the art. Accordingly, Applicants' respectfully request that the rejections to claims 2-15 and 17-23 be withdrawn and claims 2-15 and 17-25 allowed.

In the event there are any questions concerning this amendment, of the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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